

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	C.R. No. 05-10 S
)	
LUIS TOBAL ALMONTE)	
_____)	

ORDER DENYING MOTION FOR REDUCTION IN SENTENCE

WILLIAM E. SMITH, United States District Judge.

Defendant Luis Tobal Almonte, acting pro se, has filed a Motion for Reduction of Sentence in Light of the November 1st 2010 Amendments to the U.S.S.G. (ECF No. 96). A review of the record indicates that Almonte is ineligible for a reduction in sentence pursuant to 18 U.S.C. § 3582 because he was sentenced to the statutory mandatory minimum sentence of sixty months imprisonment for two of the nine counts, Counts I and VII, to which he pled guilty.¹ Moreover, the fact that Almonte's sentence of sixty months imprisonment on Count VIII was to run consecutively to his other sentences is mandated by statute.

¹ Almonte pled guilty to charges of conspiracy to distribute and to possess with intent to distribute 500 grams of cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B) (Count I); distribution of varying amounts of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (Counts II-VI); possession with intent to distribute 500 grams of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B) (Count VII); possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c) (Count VIII); and felon in possession of a firearm, in violation of 18 U.S.C. § 922(g) (Count IX).

Finally, Almonte's guideline range has not changed as a result of the November 1, 2010, amendments to the United States Sentencing Guidelines, as Almonte was convicted of offenses relating to powder cocaine, not cocaine base or "crack" cocaine.

For these reasons, and for the reasons stated in the Government's memorandum, the Motion for Reduction of Sentence is DENIED.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith
United States District Judge
March 20, 2013